

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GENWORTH LIFE INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

-vs-

**JUDGMENT**

**No. 6:12-cv-06330-MAT**

GARY S. DWAILEEBE, DAVID J.  
DWAILEEBE, LINDA A. VAN NESS, MARK  
C. DWAILEEBE, JENNY S. TRAPANI,  
JAMES A. DWAILEEBE, GEORGE N.  
DWAILEEBE, LAURIE J. OVERMEYER,  
MICHELE M. AZZI, MICHAEL G.  
DWAILEEBE, THE ESTATE OF GERALDINE  
H. DWAILEEBE, GEORGE N. DWAILEEBE,  
in his capacity as an Executor of  
the Estate of Geraldine H.  
Dwaileebe; and MICHAEL G.  
DWAILEEBE, in his capacity as an  
Executor of the Estate of Geraldine  
H. Dwaileebe,

Defendants.

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Whereas the Court, having issued a Decision and Order on March 20, 2017, granting defendant David J. Dwaileebe's Motion for Summary Judgment in its entirety and finding that David J. Dwaileebe, as Named Beneficiary under Individual Single Premium Deferred Annuity Contracts (#431641842 and #431409864) issued by Genworth Life Insurance Company of New York, Inc., is entitled to receipt of 100% of the Death Benefit proceeds payable under these Annuity Contracts, which are currently on deposit in the Court's Registry; it is

**ORDERED, ADJUDGED AND DECREED** that for the reasons stated in the March 20, 2017 Decision and Order, Judgment is entered in favor of defendant David J. Dwaileebe; and it is further

**ORDERED, ADJUDGED AND DECREED** that payment of the Death Benefit proceeds shall be made to the Catholic Family Center as Guardian of the Property of David J. Dwaileebe, and that this payment shall be made by means of a separately-filed order; and it is further

**ORDERED, ADJUDGED AND DECREED** that each and every one of the Defendants to this action is restrained from instituting, prosecuting or maintaining, directly or indirectly, any claim or action of any type or kind against Genworth Life Insurance Company of New York, Inc., arising from, or relating in any matter to, the Annuities and the various Defendants' respective claims for payment of some or all of the Annuities' Death Benefit; and it is further

**ORDERED, ADJUDGED AND DECREED** that this case is closed.

**ALL OF THE ABOVE IS SO ORDERED.**

S/Michael A. Telesca

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HON. MICHAEL A. TELESCA  
United States District Judge

DATED: March 22, 2017  
Rochester, New York